

OFFICE OF THE DIRECTOR

DEPARTMENT OF MOTOR VEHICLES

P.O. BOX 932328

SACRAMENTO, CA 94232-3280

**TITLE 13: DEPARTMENT OF MOTOR VEHICLES****NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (the department) proposes to amend Sections 77.05, 77.10, 77.15, 77.16, and 77.17, in Chapter 1, Division 1, Article 2.3, of Title 13, California Code of Regulations to specify the types of driver licenses that are not eligible for a restricted license.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on *October 31, 2005*, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651, in order to implement, interpret or make specific Sections 16072, 16073 and 16077 of the Vehicle Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 16070 specifies that the department shall suspend the driving privilege of a driver involved in an accident who fails to provide evidence of financial responsibility for the accident. Vehicle Code section 16072 allows for a person whose driving privilege is suspended to operate a vehicle under specific restrictions. These restrictions apply to travel to and from a place of employment, driving during the course of employment, and travel to transport a minor dependent to and from school. Vehicle Code section 16077 authorizes a restriction that allows for a person whose driving privilege is suspended to operate a vehicle when transporting an immediate family member or the driver to and from medical and mental health treatments.

These restrictions no longer apply when the applicant holds a commercial driver license, whether a class A, class B or commercial class C license. Legislation was enacted in 2004 to bring California law in conformance with the federal commercial driver licensing program contained in Title 49 of the Code of Federal Regulations. In addition, changes to California law require the proposed regulatory amendment of the restricted license application form and the regulations.

§77.05 Restricted License Requirements. Section 77.05 would identify those applicants that are not eligible for a restricted license.

§77.10 Application for a Driver License Restriction. Section 77.10 would identify a new revision date for the restricted license application form and incorporate the form by reference.

§77.15 Employment Restriction. Section 77.15 would identify those applicants that are not eligible for the restricted license and identify a new revision date for the restricted license application form.

§77.16 School Transportation Restriction. Section 77.16 would identify a new revision date for the restricted license application form.

§77.17 Medical Treatment Restriction. Section 77.17 would identify a new revision date for the restricted license application form.

DOCUMENTS INCORPORATED BY REFERENCE

- Application for Non-Commercial Restricted Driver License for Financial Responsibility Actions, form DL 691 (REV. 6/2005).

The form is not published in Title 13 because it would be impractical and cumbersome to publish the form in the department's regulations. The form is presently available from the department and may be found on the department's website at www.dmv.ca.gov.

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations implement existing statutes by identifying the types of driver licenses that are prohibited from obtaining the driver license restrictions and the revised restricted license application form.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in support of this proposal.
- The adoption of this regulatory action will neither create nor eliminate jobs or create businesses in the state of California, will not result in the elimination of existing businesses, and will not reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses because the proposed regulatory action implements existing statutes by clarifying who is eligible to apply for the driver license restrictions and identifying the appropriate application form.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-5567, or cpatrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or e-mail dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikethrough to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the final statement of reasons, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.